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April 30, 2004

**VIA FACSIMILE AND U.S. MAIL**

Mr. Vernon Williams, Secretary  
Office the Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

MAY 10 2004

Part of  
Public Record

RE: **Finance Docket 34192, Hi Tech Trans, LLC -- Petition for Declaratory Order -- Hudson County, NJ** 210821

**Finance Docket No. 34192 (Sub-No. 1)  
Hi Tech Trans LLC -- Petition for Declaratory Order --  
Rail Transload Facility at Oak Island Yard, Newark, NJ** 210822

Dear Secretary Williams:

We are special counsel for the State of New Jersey, Department of Environmental Protection ("NJDEP"), in the above-referenced proceeding. This matter is pending the Board's decision on reconsideration, and has been fully briefed by the parties.

As the Board is aware, a related matter is pending in the Appellate Division of the Superior Court for the State of New Jersey, *Department of Environmental Protection et al. v. Hi Tech Trans, LLC et al.*, Docket No. A-929-03T3. NJDEP has just been advised that the matter pending before that court has been scheduled for oral argument on May 26, 2004. As many of the issues before the court are directly related to the matters being considered in this proceeding,



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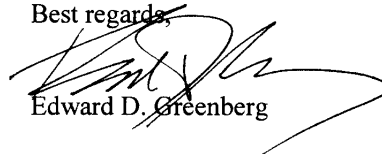
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Mr. Vernon Williams, Secretary  
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NJDEP believes that both parties to the litigation and the Court would benefit if the Board was able to serve its decision in this matter prior to the scheduled oral argument.

If you have any questions concerning this, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'Ed Greenberg', is written over the typed name.

Edward D. Greenberg

EDG:kmd

cc: Honorable David M. Konschnik (via Facsimile and U.S. Mail)  
James A. Fletcher, Esq. (via Facsimile and U.S. Mail)  
Benjamin Clarke, Esq. (via Facsimile and U.S. Mail)  
All other parties of record (via U.S. Mail)